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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,110

01/16/2004

Marc Vincent Marini

0212.67006

7346

24978

7590

01/16/2009

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EXAMINER

GATES, ERIC ANDREW

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/760,110
Filing Date: January 16, 2004
Appellant(s): MARINI ET AL.

Roger D. Greer

For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the reply brief filed 10 November 2008 appealing from the Office action mailed 15 February 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the original appeal brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the reply brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the original appeal brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the original appeal brief is correct.

(8) Evidence Relied Upon

2002/0017026 A1

KAKIUCHI ET AL.

2-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kakiuchi et al. (US 2002/0017026). Kakiuchi et al. 2002/0017026 shows in Figures 8-12 a tool-less blade clamping apparatus (50) for a reciprocating tool having a plunger (52) with at least one radial aperture (52c) and a blade receiving slot (52a) at its forward end for receiving a blade (3) having a shank portion (3b) with a hole (3a) and outwardly extending shoulders (3c) on opposite sides thereof (Fig. 12). Kakiuchi et al. 2002/0017026 shows the shank configured to be inserted in the slot (Figs. 8-12) and the apparatus configured to be attached to the plunger and having an opening (Figs. 8-12) for receiving the blade shank therein. Kakiuchi et al. 2002/0017026 shows the apparatus having an unclamped position (Figs. 8, 9) and a clamped position (Figs. 10-12) wherein the shank portion of the blade can be inserted into the opening when in the unclamped position and securely retained therein with the shoulders engaging the

apparatus (Fig. 12) when in the clamped position. Kakiuchi et al. 2002/0017026 shows the apparatus being biased via spring (54) toward the clamped position (paragraph [0067]) and being operable to maintain its unclamped position via a releasable retaining mechanism (operating sleeve 53, auxiliary sleeve 59, spring 54, blade lock control slot 53aa, blade lock slot 53ab, pin 55) when placed in said unclamped position (paragraph [0067]). Kakiuchi et al. 2002/0017026 shows the apparatus being released when the shoulders (3c) of the blade shank portion engage the apparatus as the shank portion is inserted into the opening and slot a predetermined distance to place the apparatus in the clamped position (Fig. 12 and paragraph [0067]) and the apparatus engaging the shoulders of the blade and pushing the blade shank portion outwardly (via block 56 and spring 57) when moved in the unclamped position.

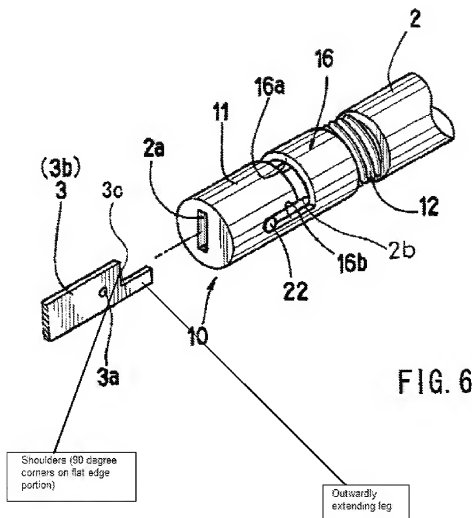
(10) Response to Argument

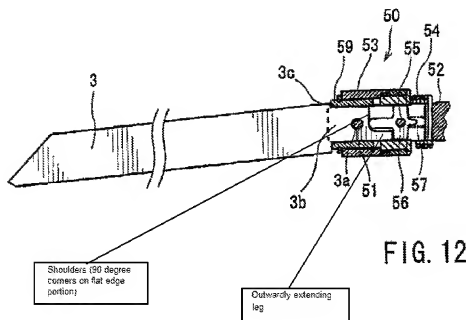
Appellant's arguments filed 10 November 2008 have been fully considered but they are not persuasive.

Appellant argues that "The auxiliary sleeve 59 is what the shoulders of the blade of this embodiment contact and the shoulders do not engage the apparatus as the shank portion is inserted into said opening and slot a predetermined distance and thereby place said apparatus in said clamped position. The shoulders also do not push the shank portion outwardly when said apparatus is moved to said unclamped position".

It is noted that there is a discrepancy in Kakiuchi et al. in the labeling of blade 3 between figures 6 and 12. Figure 6 shows the shoulders 3c of tool 3 as being the 90

degree corners of the flat edge portion adjacent the outwardly extending leg that is inserted into the slot 2a, while figure 12 shows the shoulders 3c of tool 3 as being the 90 degree corners of the flat edge portion adjacent the outwardly extending portion 3b that is inserted into the slot 2a (see attached figures below). While this discrepancy in the specification is regrettable, it can still be seen in figure 12 that blade 3 has an outwardly extending leg like that seen in figure 6 that has an adjacent shoulder portion that engages the control member 56 of the apparatus as it is inserted into the opening of the slot such that it shifts the apparatus into the clamped position. Therefore it can be seen that Kakiuchi et al. anticipates the inventions as set forth in claims 1-4 of the instant application.





(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Eric A. Gates/

Examiner, Art Unit 3726

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